

Appl. No. 10/687,299
Amdt. Dated June 23, 2006
Reply to Office Action of Feb. 23, 2006

REMARKS

In the last response filed on 05/23/2006, the amendment raised the new issue. Therefore, this supplement response does not amend the claims, and only make the arguments against the rejection.

The Examiner indicates that Butscher and Lee do not disclose the inner conductor of the feed cable directly mechanically connecting with the matching tab element. The Examiner further indicates Oka teaches that the inner conductor of the feed cable directly mechanically connecting with the matching tab is well known in the art. Therefore, It would have been obvious to arrange the inner conductor of the feed cable mechanically connecting with the matching tab to adjust the resonance frequency of the receiving signal. Applicant respectfully traverses it.

Butscher clearly states the tab (24) primarily provides matching capacitance ... (column 2, lines 57-58). In Butscher if the feed cable (30) directly mechanically connecting with the tab (24), it is electrically shorted from the electrical viewpoint, and thus the tab (24) can no longer provide any capacitance function. Such modification results in a "teach-away" and even an "inoperativeness" situation.

Although *In re Keller*, 642 F.2d 413, 208 USPQ (CCPA 1981), the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference, *McGinley v. Franklin Sports Inc.*, 262 F.3d 1339, 60 USPQ2d 1001, 1010 (Fed. Cir. 2001), if reference taken in combination would product a "seemingly inoperative device," we have held that such references teaches away from the combination and thus cannot serve as predicates for a prima facie case of obviousness, and *Tec Air Inc. v. Denso Mfg. Mich Inc.* 192 F.3d 1353, 52 USPQ2d 1294, 1298 (Fed. Cir. 1999), if when combined, the references "would produce a seemingly inoperative device" then they teach away from their combination, and further *In re Gurley*, 27 F.3d 551, 31 USPQ2d

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1130, 1131 (Fed. Cir. 1994), a reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant.

In brief, it has been held that is not obvious to modify a prior art device in a manner which would lead to an inoperative construction. In re Gordon, 733 F.2d 900, 902, 221 USPO 1125, 1127 (Fed. Cir. 1984).

Clearly, in the instant application, the combination/modification with regard to Butscher as suggested by the Examiner based upon Oka will render inoperative. Accordingly, it is unobvious for such combination/modification.

Reconsideration and allowance of the pending claims 1-18 and 20 are respectfully requested. If the Examiner has any questions, please call the undersigned.

Respectfully submitted,
He et al.

By



Wei Te Chung

Registration No.: 43,325
Foxconn International, Inc.
P. O. Address: 1650 Memorex Drive,
Santa Clara, CA 95050
Tel No.: (408) 919-6137